

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

ARNIK MAURICIO RODRIGUEZ,

CIVIL NO. 17-664 (SRN/DTS)

Plaintiff,

v.

REPORT AND RECOMMENDATION

FEDERAL RESERVE BANK
OF MINNEAPOLIS,

Defendant.

On January 6, 2017, Plaintiff filed a Statement of Claims and Summons in Conciliation Court in Hennepin County District Court. The case was removed to Federal Court on March 2, 2017 [Docket No. 1]. An Answer was filed on March 14, 2017 [Docket No. 5]. An Order for Settlement Conference [Docket No. 8] and a Notice and Order of Pretrial Conference [Docket No. 9] were filed setting a pretrial scheduling conference and settlement conference before the undersigned on April 26, 2017 at 1:00 p.m. in Courtroom 9E, U.S. Courthouse, 300 South Fourth Street, Minneapolis, Minnesota.

On April 26, 2017, counsel for Defendant appeared at the pretrial scheduling conference and settlement conference. There was no appearance by Plaintiff Arnik Rodriguez, despite repeated efforts to reach him by telephone by chambers. Plaintiff has not complied with the Order for Pretrial Conference or the Order for Settlement Conference. Plaintiff failed to participate in the Rule 26 and settlement process, failed to submit a confidential settlement letter, and failed to appear at the pretrial scheduling conference and settlement conference as ordered.

On April 28, 2017, an Order to Show Cause was filed ordering Plaintiff to serve and file a written statement showing good cause why sanctions should not be brought against him for failure to comply with the Order for Pretrial Conference, failure to participate in the Rule 26 process, failure to appear at the pretrial scheduling conference, failure to comply with the Order for Settlement Conference, and failure to appear at the settlement conference. Plaintiff was advised that failure to comply with the Order to Show Cause “may result in the recommendation that this case be dismissed for failure to prosecute, the imposition of an appropriate sanction, or both.” [Docket No. 14].

To date, Plaintiff has not filed any response or communicated with the Court in any manner since this action was commenced. Therefore, it is now recommended, in accordance with the Court’s Order to Show Cause, that Plaintiff be deemed to have abandoned this action, and that the action be dismissed without prejudice pursuant to Fed. R. Civ. P. 41(b). See Henderson v. Renaissance Grand Hotel, 267 Fed.Appx. 496, 497 (8th Cir. 2008) (unpublished opinion) (“[a] district court has discretion to dismiss an action under Rule 41(b) for a plaintiff’s failure to prosecute, or to comply with the Federal Rules of Civil Procedure or any court order”); see also Link v. Wabash Railroad Co., 370 U.S. 626, 630-31 (1962) (recognizing that a federal court has the inherent authority to “manage [its] own affairs so as to achieve the orderly and expeditious disposition of cases”).

Based upon the above, and upon all the records and proceedings herein,

IT IS HEREBY RECOMMENDED that this action be DISMISSED WITHOUT PREJUDICE.

Dated: May 10, 2017

s/ David T. Schultz
DAVID T. SCHULTZ
United States Magistrate Judge

NOTICE

Filing Objections: This Report and Recommendation is not an order or judgment of the District Court and is therefore not appealable directly to the Eighth Circuit Court of Appeals.

Under Local Rule 72.2(b)(1), “a party may file and serve specific written objections to a magistrate judge’s proposed finding and recommendations within 14 days after being served a copy” of the Report and Recommendation. A party may respond to those objections within 14 days after being served a copy of the objections. LR 72.2(b)(2). All objections and responses must comply with the word or line limits set for in LR 72.2(c).

Under Advisement Date: This Report and Recommendation will be considered under advisement 14 days from the date of its filing. If timely objections are filed, this Report and Recommendation will be considered under advisement from the earlier of: (1) 14 days after the objections are filed; or (2) from the date a timely response is filed.